

6-24-04

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PO Box 1450 Alexandria, VA 22313-1450

Beth L. Anstett  
Typed or printed name of person mailing

[Signature] 6/23/04  
Signature

UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 10/674,0832

METHOD AND APPARATUS FOR MOUNTING A PLURALITY OF MAGNET  
SEGMENTS ON A BACK RING

Inventor : Gary L. Peresada et al

Filed SEptember 29, 2003

TorringtonCT. June 23, 2004

Petitions Attorney Derek L. Woods  
Commissioner for Patents  
Mail Stop Missing Parts  
P. O. Box 1450  
Alexandria, VA 22313,-1450

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47 ( a)

Reconsideration of the above noted Petition is respectfully requested.

A Power of Attorney in favor of the undersigned is enclosed.

As to Item 1, cited by the Petitions Attorney as missing, an enclosed Declaration by Beth  
L. Anstett supplements her original Declaration of February24 and clarifies the fact  
that she did indeed present Mr. Linkovich with all required documentation including  
the specification, claims, and drawings as well as the Declaration requiring his signature  
on September 16 at their meeting at McDonalds in Winsted.

The presently enclosed Declaration has been executed by the Messrs. Marvin and Peresada but is of course blank as to Mr. Linkovich. If not needed it may of course be discarded.

The Declaration filed with the February 24 Petition was signed by Mr. Marvin in his capacity as representative of the Assignee The Torrington Research Company and both Messrs. Marvin and Perasada signed in their capacity as joint inventors with Mr. Linkovich.

Assignments demonstrating ownership by The Torrington Research Company were also submitted with the February Petition.

As to Item 4, the last known address for Mr. Linkovich is set forth in the Petition of February 24.

A complete copy of the application is being mailed today to Mr. Linkovich at the address in the earlier Petition.

Favorable reconsideration in the light of the above and grant of the Petition is earnestly solicited.

Respectfully Submitted,

*Theodore R. Paulding*  
*Reg. 19,294*



Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/674,832
Filing Date	9/29/2003
First Named Inventor	Peresada
Title	Method and apparatus for.....
Art Unit	2832
Examiner Name	
Attorney Docket Number	3135-26

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Theodore R. Paulding	19,294
10 Penwood Lane	
Wethersfield, CT 06109	
(860) 529-6766 / 529-9424	

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Torrington Research Company (Assignee)				
Address	89 Commercial Boulevard				
Address					
City	Torrington	State	CT	Zip	06790
Country	USA				
Telephone	860-489-0489	Fax	860-482-2564		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name	Russel H. Marvin		
Signature	<i>Russel H. Marvin</i>		
Date	April 28, 2004	Telephone	860-489-0489

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Examiner**

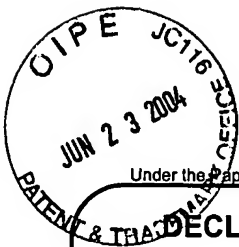
ART UNIT  
2832

**Filed: September 29, 2003**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date \_\_\_\_\_



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PTO/SB/01 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐

Declaration  
Submitted  
With Initial  
Filing

OR

☐

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

3135-26

First Named Inventor

Peresada

COMPLETE IF KNOWN

Application Number

10/674,832

Filing Date

9/29/2003

Art Unit

Examiner Name

I hereby declare that: Gary Peresada; Russel Marvin; Carey Linkovich

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method and Apparatus for mounting a plurality of  
magnet segments on a back ring

(Title of the Invention)

the specification of which

☐

is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

9/29/2003

as United States Application Number or PCT International

Application Number

10/674,832

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: <input type="text"/>		OR <input type="checkbox"/> Correspondence address below	
Name Russel H. Marvin (CTO)			
Address Torrington Research Company (Assignee) 89 Commercial Boulevard			
City Torrington	State Connecticut	ZIP 06790	
Country USA	Telephone 860-489-0489	Fax 860-482-2564	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Gary L.		Family Name or Surname Peresada	
Inventor's Signature <i>Gary L. Peresada</i>		Date 6/23/04	
Residence: City Torrington	State CT	Country USA	Citizenship USA
Mailing Address 438 West Pearl Road			
City Torrington	State CT	ZIP 06790	Country US
NAME OF SECOND INVENTOR:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Carey L.		Family Name or Surname Linkovich	
Inventor's Signature		Date	
Residence: City Avon	State CT	Country USA	Citizenship USA
Mailing Address 19 Stevens Street			
City Avon	State CT	ZIP 06001	Country USA
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION****ADDITIONAL INVENTOR(S)**

Supplemental Sheet

Page 3 of 3

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Russel H.		Marvin	
Inventor's Signature <i>Russel H. Marvin</i>		Date 6/23/04	
Residence: City	Goshen	State	CT
		Country	USA
Citizenship USA			
Mailing Address 88 East Hyerdale Drive			
Mailing Address			
City	Goshen	State	CT
		Zip	06756
		Country	USA
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
Citizenship			
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
Citizenship			
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE



forwarded  
JUL 7/26/04

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www.uspto.gov

RUSSEL H. MARVIN  
TORRINGTON RESEARCH COMPANY  
89 COMMERCIAL BOULEVARD  
TORRINGTON, CT 06790



Paper No.

COPY MAILED

APR 23 2004

OFFICE OF PETITIONS

In re Application of:

Peresada et al.

Application No. 10/674,932

Filed: September 29, 2003

Title of Invention: METHOD AND

APPARATUS FOR MOUNTING A PLURALITY

OF MAGNET SEGMENTS ON A BACK RING

DECISION DISMISSING

PETITION UNDER

37 CFR 1.47(b)

This is in response to the correspondence filed February 17, 2004, which is properly treated as a petition under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The one (1) month extension of time request is hereby granted.

The petition is dismissed.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor, AND BE ADDRESSED TO petitions Attorney Derek L. Woods. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on September 29, 2003, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on December 19, 2003, requiring *inter alia*, a properly signed oath or declaration.

In response to the Notice, Applicant files the instant petition wherein Applicant avers that the nonsigning inventor, Carey Linkovich, refuses to join in the application. No documentary evidence supporting this assertion has been filed.



Applicable Law

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1), (2) and (4) set forth above.

As to item (1), where it is alleged that an applicant refuses to join an application, the applicant must establish that the nonsigning inventor was presented with the application for signature. The Manual of Patent Examining Procedure ("MPEP") states that

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.

MPEP 409.03(d).

As to item (2), Applicant has failed to provide an oath or declaration in compliance with 35 U.S.C. §§ 115 and 116. A properly executed oath or declaration is required. An acceptable oath or declaration form may be downloaded from the USPTO Website at [www.uspto.gov](http://www.uspto.gov). The correct form number is PTO/SB/01.

As to item (4), the last known address of the non-signing inventor - the address at which the inventor customarily receives mail - must be provided. See, MPEP 409.03 and 605.03.

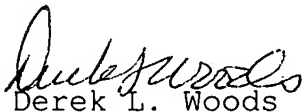
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

By FAX: (703) 872-9306  
Attn: Office of Petitions

By hand: 2201 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby Room 1B03  
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.



Derek L. Woods  
Petitions Attorney  
Office of Petitions